

REMARKS

Claims 1 - 9 and 11 - 40 are pending. Claims 2, 3, 4, 6, 7, 8, 9, 13 - 16, 18, 19, 21, 23 - 24, and 26 have been amended. Claim 10 has been cancelled. Claims 27 - 40 have been added. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

In the March 23, 2005 Office Action, the Examiner identified that claims 1 - 5, 12 - 18, 20 - 23, 25, and 26 are allowed. Accordingly, the applicants respectfully submit that claims 1 - 5, 12 - 18, 20 - 23, 25 and 26 are in condition for allowance. Claims 2, 3, 4, 13 - 16, 18, 21, 23, and 26 have been amended for form.

The Examiner rejected claims 6, 19, and 24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,094,587 to Armanto ("the Armanto reference") in view of U.S. Published Patent Application 2002/0029683 to Tamura ("the Tamura reference"). The Examiner indicated that claims 7 - 11 were objected to as being dependent upon a rejected base claim, but that the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The applicants have cancelled claim 10 and claims 7 - 9 and 11 are addressed below.

The applicants have amended claims 6, 19, and 24 to include limitations which are similar to the allowable claim 12. The Examiner identified that the art of record did not disclose setting the tone generator with a variable parameter according to the retrieved score and detecting a vacant area in the score data, as is recited in claim 12. (*Office Action, pages 3 - 4*). Claims 6, 19, and 24 have been amended to incorporate these features. Accordingly, applicants respectfully submit that claims 6, 19, and 24, all

as amended, distinguish over the Armanto and Tamura references for reasons similar to those identified by the Examiner for independent claim 12.

Claims 7 - 9 and 11 depend, indirectly or directly, on claim 6. Accordingly, applicants respectfully submit that claims 7 - 9 and 11 distinguish over the Armanto and Tamura combination for the same reason as those discussed above in regard to claim 6.

Further, dependent claims 7 - 9 have been amended to include limitations similar to those of allowable claim 1. Specifically, the Examiner stated that the art of record did not disclose storing timbre data corresponding to a predetermined number of timbres and interpreting the score data to read out timbre data corresponding to a timbre designated by the score data from the timbre data memory, as is recited in claim 1. (*Office Action, page 3*). Claims 7 - 9 have been amended to incorporate these features. Accordingly, dependent claims 7 - 9 further distinguish over the Armanto and Tamura reference combination for reasons similar to those identified by the Examiner for allowable claim 1.

The applicants have added claims 27 - 40 to further define the invention. The applicants respectfully submit that these added claims are also in condition for allowance.


The applicants have submitted a Information Disclosure Statement and a PTO-1449 form listing references cited in European, Japanese, and Korean applications which correspond to this U.S. patent application. The applicants provide authorization to charge the Deposit Account 16-1805 for the fee associated with the submission of the Information Disclosure Statement.

Applicants believe that all of the claims are in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

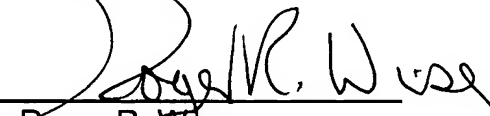
Respectfully submitted,

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